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Letter dated 4 February 2010 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit a press statement issued on 3 February 2010 by the Ministry of Foreign Affairs of the State of Eritrea, entitled "IGAD: a communiqué devoid of any legality" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 4 February 2010 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release

Intergovernmental Authority on Development (IGAD): a communiqué devoid of any legality

The IGAD Council of Ministers has issued a communiqué on Somalia and Eritrea following a meeting convened in Ethiopia this weekend. Apart from its ill-advised content which can only exacerbate the crisis in Somalia and hamper the objectives of peace and security in the Horn of Africa, the IGAD Communiqué is devoid of any legality for the following procedural and substantive reasons:

i) Four members of IGAD, namely Ethiopia, Kenya, Djibouti and Uganda are direct protagonists in the conflict in Somalia in one form or another. Ethiopia is culpable for a flagrant invasion of Somalia in December 2006 under the instigation of the United States and the intermittent incursions thereafter. The other countries have not only endorsed Ethiopia's invasion of an IGAD Member State but have also sent troops to Mogadishu in contravention of UN Security Council resolution 1725(2006) that barred neighbouring countries from involvement in any eventual peacekeeping force in Somalia.

ii) Somalia's seat in IGAD had remained vacant for most of the 19 years since the country was sadly embroiled in the crisis that continues without let up. It appears that the TFG has now been accorded a seat in IGAD. But in view of the political realities in Somalia(the entities in Puntland, Somaliland etc and the situation in Mogadishu), this short-sighted decision does not only provoke issues of legality but does not augur well for a healthy process of nation reconciliation in Somalia.

iii) As communicated to the government of Eritrea by Dr. Mustafa Osman Ismail, the Special Advisor to the President, the government of Sudan does not support UN Security Council Resolution 1907 imposing sanction on Eritrea.

iv) Eritrea suspended its membership in IGAD in early 2007 in the wake of Ethiopia's invasion of Somalia and the moral failure of IGAD to condemn the acts of aggression against a fellow Member State.

v) As is well known, Ethiopia continues to occupy sovereign Eritrean territories in violation of international law and its treaty obligations.

In light of these facts, any decision of those States in respect of Somalia does not have validity, as they cannot cast their votes as impartial or neutral parties. In the same breadth, these countries cannot indict Eritrea on account of events in Somalia. These countries, which shoulder the primary responsibility, for the cause and exacerbation of the crisis in Somalia do not indeed have moral, political or legal authorities to indict or punish Eritrea.

Ministry of Foreign Affairs
Asmara
3 February 2010